

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

DAVID L. LIHALAKHA	§
VS.	§ CIVIL ACTION NO. 1:04cv654
JOE SMITH, ET AL.	§

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE's REPORT AND RECOMMENDATION**

Plaintiff David L. Lihalakha, an inmate at the Texas Department of Criminal Justice, proceeding *pro se* and *in forma pauperis*, brought this civil rights suit pursuant to 42 U.S.C. § 1983.

The court heretofore referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends plaintiff's motion for injunctive relief be denied.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

## ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are

correct and the report of the magistrate judge is **ADOPTED**. It is therefore

**ORDERED** that plaintiff's motion for injunctive relief is **DENIED**.

SIGNED at Beaumont, Texas, this 30th day of August, 2005.

A handwritten signature in cursive script, reading "Marcia A. Crone".

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE